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Attorneys for Plaintiff  
United States of America

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
v.  
  
TANNER JOEL HERNANDEZ-FIELDS,  
  
Defendant.

CASE NO. 1:20-CR-00221-DAD-BAM

STIPULATION TO CONTINUE CHANGE OF  
PLEA, AND EXCLUDE TIME UNDER SPEEDY  
TRIAL ACT; FINDINGS AND ORDER

DATE: September 27, 2021  
TIME: 9:00 a.m.  
COURT: Hon. Dale A. Drozd

**STIPULATION**

Plaintiff United States of America, by and through its counsel of record, and defendant, by and through defendant's counsel of record, hereby stipulate as follows:

1. By previous order, this matter was set for change of plea on September 27, 2021.
2. By this stipulation, defendant now moves to continue the change of plea to October 25, 2021, and to exclude time between September 27, 2021, and October 25, 2021, under 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code T4].
3. The parties agree and stipulate, and request that the Court find the following:
  - a) The government has represented that the discovery associated with this case includes numerous reports, search warrants, recorded statements, and electronic devices. All of this discovery has been either produced directly to counsel and/or made available for inspection and copying.

1           b)       Counsel for defendant desires additional time to consult with his client, to review  
2 the current charges, to conduct investigation and research related to the charges including  
3 mitigation information for sentencing, and to prepare his client for the change of plea.

4           c)       In particular, defendant remains in COVID-19 quarantine at the Fresno County  
5 Jail. This quarantine has prevented counsel for defendant from completing his review of the plea  
6 agreement with his client, answering any questions, and obtaining a signature to the plea. The  
7 defense thus cannot proceed as planned on September 27, 2021.

8           d)       Counsel for defendant believes that failure to grant the above-requested  
9 continuance would deny him the reasonable time necessary for effective preparation, taking into  
10 account the exercise of due diligence.

11          e)       The government does not object to the continuance.

12          f)       Based on the above-stated findings, the ends of justice served by continuing the  
13 case as requested outweigh the interest of the public and the defendant in a trial within the  
14 original date prescribed by the Speedy Trial Act.

15          g)       For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,  
16 et seq., within which trial must commence, the time period of September 27, 2021 to October 25,  
17 2021, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code  
18 T4] because it results from a continuance granted by the Court at defendant's request on the basis  
19 of the Court's finding that the ends of justice served by taking such action outweigh the best  
20 interest of the public and the defendant in a speedy trial.

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4. Nothing in this stipulation and order shall preclude a finding that other provisions of the Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial must commence.

IT IS SO STIPULATED.

Dated: September 21, 2021

PHILLIP A. TALBERT  
Acting United States Attorney

/s/ LAURA D. WITHERS  
LAURA D. WITHERS  
Assistant United States Attorney

Dated: September 21, 2021

/s/ DOUGLAS C. FOSTER  
DOUGLAS C. FOSTER  
Counsel for Defendant  
TANNER JOEL HERNANDEZ-  
FIELDS

**ORDER**

IT IS SO ORDERED.

Dated: September 21, 2021

Dale A. Ingh  
UNITED STATES DISTRICT JUDGE